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L A W Y E R S

E-Filed on 3/19/07

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

- All Debtors
- × USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-
06-10725 LBR

**NOTICE OF HEARING REGARDING
USACM LIQUIDATING TRUST'S
MOTION TO CLASSIFY CLAIMS
FILED BY PECOS PROFESSIONAL
PARK LIMITED PARTNERSHIP IN
PLAN CLASS A-7, AND
RESERVATION OF
COUNTERCLAIMS AND OBJECTIONS**

Hearing Date: April 26, 2007
Hearing Time: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM THAT
YOU FILED. THE DEADLINE TO RESPOND TO THE OBJECTION IS APRIL
19, 2007. PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY
COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS
REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
SHOULD BE DIRECTED TO BMC GROUP AT 888-909-0100, OR
WWW.BMCGROUP.COM/USACMC, or to the undersigned counsel.**

1 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust (“USACM
2 Trust”) by and through its counsel, has filed a Motion to Classify Claims Filed by Pecos
3 Professional Park Limited Partnership in Plan Class A-7, and Reservation of
4 Counterclaims and Objections (the “Objection”). USACM Trust requests that this Court
5 enter an order, pursuant to § 502 of title 11 of the United States Code (the “Bankruptcy
6 Code”). Generally, The USACM Liquidating Trust moves this Court for an order
7 determining that the claims of Pecos Professional Park Limited Partnership (“Pecos”)
8 (Claim No. 751-1, as amended by No. 752-2), and the disputed claim listed on the
9 USACM Amended Schedules for Pecos (jointly, the “Claim”) is included in Class A-7 as
10 a Subordinated Claim under the confirmed Third Amended Joint Chapter 11 Plan of
11 Reorganization (“Plan”), and reserves the right to file counterclaims against Pecos and
12 objections to the Pecos Claim.

13 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
14 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
15 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
16 **April 26, 2007, at the hour of 9:30 a.m.**

17 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON APRIL 26,**
18 **2007, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND**
19 **SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE**
20 **HEARD ON THAT DATE.**

21 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
22 by **April 19, 2007** pursuant to Local Rule 3007(b), which states:

23 If an objection to a claim is opposed, a written response must
24 be filed and served on the objecting party at least 5 business
25 days before the scheduled hearing. A response is deemed
26 sufficient if it states that written documentation in support of
the proof of claim has already been provided to the objecting
party and that the documentation will be provided at any
evidentiary hearing or trial on that matter.

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1 If you object to the relief requested, you *must* file a **WRITTEN** response to this
2 pleading with the Court. You *must* also serve your written response on the person who
3 sent you this notice.

4 Please be advised that Local Rule 3007(c) provides in part: "If a written response is
5 not timely filed and served, the court may grant the objection without calling the matter
6 and without receiving arguments or evidence." If you do not file a written response with
7 the Court, or if you do not serve your written response on the person who sent you this
8 notice, then:

- 9
- 10 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
 - 11 • The Court may *rule against you* without formally calling the matter at the hearing.

12 Dated: March 19, 2007.

13 **LEWIS AND ROCA LLP**

14
15 By: /s/ RC (#6593)

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Proof of Service

Copy of the foregoing e-mailed on this 19th day of March, 2007 to all parties listed on the master service list with e-mail addresses, and e-mailed to the following party:

Pecos Professional Park Limited Partnership
c/o Jeffrey R. Sylvester, Esq.
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s/ Christine E. Laurel

Christine E. Laurel
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